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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,165	06/12/2001	Stephen Gold	30015420 US	1375

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EXAMINER

FAROOQ, MOHAMMAD O

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/878,165

Applicant(s)

GOLD ET AL.

Examiner

Mohammad O. Farooq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7,10,12-17 and 19 is/are rejected.
- 7) ☒ Claim(s) 2,4,6,8,9,11,18,20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/17/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bolan et al. U.S. Pat. No. 5,226,137.
2. As to claim 15, Bolan et al. teach license key comprising:  
data uniquely identifying a computer entity (i.e. subkeys; abstract);  
data defining an amount of data storage capacity licensed for use by said computer entity (inherent; abstract; col. 5, line 5 – col. 6, line 67).
3. As to claim 16, Bolan et al. teach license key data, further comprising:  
data describing a model description of said computer entity (DS1205; col. 5, line 5 – col. 6, line 67).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolan et al. U.S. Pat. No. 5,226,137 in view of Westfall et al. U.S. Pat. No. 5,155,849.

5. As to claim 12, Bolan et al. teach method comprising the steps of:

storing data uniquely describing said computer entity in a database (i.e. memory/storage) and license key (i.e. key/subkeys; abstract; col. 5, lines 5-14).

Bolan et al. do not teach request to modify a functionality of said computer entity, checking whether said computer entity is capable of modification of functionality; and enabling modification of said functionality of said computer entity. Westfall et al. teach request to modify a functionality of said computer entity, checking whether said computer entity is capable of modification of functionality; and enabling modification of said functionality of said computer entity (via upgrade flag; (col. 8, line 58-col. 9, lines 36). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Bolan et al. and Westfall et al. because that would selectively install customer language options in the field as required and to be able to provide a simple means for switching language displays during or after installation of the machine at the customer site (col. 1, lines 60-64).

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6. As to claim 13, Bolan et al. teach method comprises:

data uniquely identifying a computer entity to which said upgrade license key applies (col. 5, lines 5-14);

data defining an amount of data storage capacity (inherent; abstract) which said computer entity can access for use by applications (abstract; col. 5, line 5 – col. 6, line 67).

7. As to claim 14, Bolan et al. teach method, further comprising the step of:

storing a data in said database describing a licensed data storage capacity of said computer entity (inherent; col. 5, line 5 – col. 6, line 67).

8. Claims 1,3,5,7,10,17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolan et al. U.S. Pat. No. 5,226,137 in view of Westfall et al. U.S. Pat. No. 5,155,849 further in view of Dubats, U.S. Pat. No. 5,59,496.

9. As to claim 1, Bolan et al. teach computer entity comprising:

a data storage device (inherent; abstract); and

a first license key data, said first license key data allowing partitioning of said data storage device to provide a first amount of licensed data storage capacity, wherein said first amount of data storage capacity is lower than a total amount of data storage capacity of said data storage device (via subkeys; abstract; col. 5, lines 5-14) .

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Bolan et al. do not teach upgrade flag. Westfall et al. teach upgrade flag (col. 8, line 58-col. 9, lines 36). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Bolan et al. and Westfall et al. because that would selectively install customer language options in the field as required and to be able to provide a simple means for switching language displays during or after installation of the machine at the customer site (col. 1, lines 60-64).

Neither Bolan et al. nor Westfall et al. teach one data processor, a user interface and one operating system. Dubats teaches one data processor, a user interface and one operating system (col. 2, lines 20-38). However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Bolan et al. and Westfall et al. with Dubats because that would provide report and display event data for specified time periods (col. 2, lines 38-45).

10. As to claim 3, Bolan et al. teach wherein comprises:

a component for checking a validity of an upgrade license key data (via password; col. 5, lines 5-14).

11. As to claim 5, Bolan et al. teach wherein comprises:

a component for reading a licensed upgrade data storage capacity allowed by an upgrade license key data (abstract; col. 5, line 5 – col. 6, line 67).

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12. As to claim 7, Bolan et al. teach method comprising:

a data storage device (inherent; abstract); and

storing a first license key data, said first license key data allowing partitioning of said data storage device to provide a first amount of licensed data storage capacity, wherein said first amount of data storage capacity is lower than a total amount of data storage capacity of said data storage device (via subkeys; abstract; col. 5, lines 5-14).

Bolan et al. do not teach upgrade flag. Westfall et al. teach upgrade flag (col. 8, line 58-col. 9, lines 36). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Bolan et al. and Westfall et al. because that would selectively install customer language options in the field as required and to be able to provide a simple means for switching language displays during or after installation of the machine at the customer site (col. 1, lines 60-64).

Neither Bolan et al. nor Westfall et al. teach one data processor, a user interface and one operating system. Dubats teaches one data processor, a user interface and one operating system (col. 2, lines 20-38). However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Bolan et al. and Westfall et al. with Dubats because that would provide report and display event data for specified time periods (col. 2, lines 38-45).

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13. As to claim 10, Bolan et al. teach method, comprising the step of:

checking a validity of an upgrade license key data by comparing a unique identifier data comprising said upgrade license key data with a unique identifier data read from a component of said computer entity (via password; col. 5, line 5 – col. 6, line 67).

14. As to claim 17, Bolan et al. teach method comprising the steps of:

providing a first level of functionality according to a first license data stored on a disk sector of said data storage device (inherent; abstract);

computer entity according to a second license data stored on said data storage device (i.e. subkeys; col. 5, lines 5-14).

Bolan et al. do not teach modifying. Westfall et al. teach modifying (via upgrade flag; col. 8, line 58-col. 9, lines 36). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Bolan et al. and Westfall et al. because that would selectively install customer language options in the field as required and to be able to provide a simple means for switching language displays during or after installation of the machine at the customer site (col. 1, lines 60-64).



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Neither Bolan et al. nor Westfall et al. teach operating system. Dubats teaches operating system (col. 2, lines 20-38). However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Bolan et al. and Westfall et al. with Dubats because that would provide report and display event data for specified time periods (col. 2, lines 38-45).

15. As to claim 19, Bolan et al. does not teach modifiable functionality.

Westfall et al. teach modifiable functionality (col. 8, line 58-col. 9, lines 36). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Bolan et al. and Westfall et al. because that would selectively install customer language options in the field as required and to be able to provide a simple means for switching language displays during or after installation of the machine at the customer site (col. 1, lines 60-64).

### ***Allowable Subject Matter***

16. Claims 2, 4, 6, 8, 9, 11, 18, 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

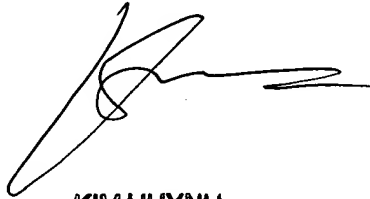
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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad O. Farooq whose telephone number is (571) 272-4144. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad O. Farooq  
March 4, 2005



**KIM HUYNH**  
**PRIMARY EXAMINER**  
3/7/05